

Bill Track - List

Passed 1st Chamber

Run Time: Thursday, Feb-26-2009, 11:31 AM

HB1020 Ignition interlock devices. (Duncan, Bray, Lanane, Steele)
HB1021 Disregarding school bus stop sign. (Crouch, Becker, Deig)
HB1121 Identity deception. (L. Lawson, Hume, Steele)
HB1175 Victims' rights. (Riecken, Becker, Sipes, Deig)
HB1208 Health, mental health, and addiction matters. (C. Brown, Simpson, Lawson)
HB1462 Criminal history checks. (Kersey, Lubbers, Skinner)
HB1468 Animal cruelty and commercial dog breeders. (L. Lawson, Lubbers, Simpson, Zakas)
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HB1642 Trafficking in cellular telephones with inmates. (Dermody, M. Young, Arnold)
SB0003 Juvenile DNA testing. (Zakas, L. Lawson)
SB0004 Use of DNA evidence. (Zakas, L. Lawson)
SB0021 Theft of metal. (Brodén, Steele, Tallian, L. Lawson)
SB0034 Assisting a criminal. (Bray, L. Lawson)
SB0041 Attempted sex crimes as enhancement at sentencing. (Arnold, L. Lawson)
SB0045 Bail. (Steele, VanDenburgh)
SB0047 Conversion by failure to return rented property. (Steele, Arnold, L. Lawson)
SB0048 Child solicitation. (Head, L. Lawson)
SB0092 Sex offenders and the Internet. (Mrvan, M. Young, Reske)
SB0181 Child seduction. (Lubbers, Delph, Pierce)
SB0186 Criminal code evaluation commission. (Merritt, L. Lawson)
SB0222 Killing a domestic animal. (Arnold, Charbonneau, L. Lawson)
SB0223 Trafficking cell phones with inmates. (M. Young, Arnold, Tincher)
SB0236 Sentence enhancement for feticide. (Merritt, L. Lawson)
SB0238 Crimes against animals. (Merritt, Sullivan)
SB0252 Operating while intoxicated. (Wyss, Broden, Tincher)
SB0276 Habitual offender filing deadline. (Arnold, Head, Friend)
SB0278 Retail theft. (Head, Dembowski)
SB0294 Identity deception. (Steele, L. Lawson)
SB0350 Removal by deceit. (Bray, L. Lawson)
SB0352 Rioting at penal facilities. (Bray, Tincher)
SB0365 Various department of child services matters. (Lawson, Avery)
SB0445 Intimidation. (Delph, L. Lawson)

Bill Track - Bill History Report

Passed 1st Chamber

Run Time: Thursday, Feb-26-2009, 11:31 AM

HB1020 *Ignition interlock devices.* (Duncan, Bray, Lanane, Steele)

Digest

Provides that a court may grant probationary driving privileges to a person who is convicted of operating a vehicle or motorboat while intoxicated (OWI) and who does not have a previous OWI conviction or whose previous OWI conviction was at least ten years in the past and may order the person to not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device for six months. Requires a court, when granting probationary driving privileges to: (1) a person who is convicted of OWI and whose previous OWI conviction was at least five but less than ten years in the past; or (2) a person who operated a vehicle with a certain alcohol concentration equivalent; to grant the probationary driving privileges subject to the condition that for six months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device.

Date	Action
01/07/2009	H: Author Added Cleo Duncan
01/07/2009	H: Co Author Added Linda Lawson
01/07/2009	H: 1st Reading Assigned Judiciary
01/21/2009	H: Co Author Added Suzanne Crouch
02/17/2009	H: Committee Sched 8:00 AM Room 156 D Judiciary
02/17/2009	H: Committee Report amend do pass, adopted
02/20/2009	H: 2nd Reading Amended Order Engrossed
02/20/2009	H: Amendment #1 (DeLaney), prevailed; Voice Vote
02/20/2009	H: Amendment #2 (Foley), ruled out of order
02/23/2009	H: 3rd Reading Pass (91-0)
02/23/2009	H: Sponsor Added Richard D. Bray
02/23/2009	H: Sponsor Added Tim Lanane
02/23/2009	H: Sponsor Added Brent Steele
02/24/2009	S: 1st Reading Assigned Judiciary

HB1021 *Disregarding school bus stop sign.* (Crouch, Becker, Deig)

Digest

Increases the penalty for recklessly passing a stopped school bus displaying an extended arm signal device from a Class B to a Class A misdemeanor if the offense causes bodily injury to a person. Requires a court to recommend the driving license suspension of a person who recklessly commits certain offenses resulting in bodily injury. (The introduced version of this bill was prepared by the sentencing policy study committee.)

Date	Action
01/07/2009	H: Author Added Suzanne Crouch
01/07/2009	H: Co Author Added Linda Lawson
01/07/2009	H: 1st Reading Assigned Judiciary
02/03/2009	H: Committee Sched 8:30 AM Room 156 D Judiciary
02/03/2009	H: Committee Action Pass(8-0) Judiciary

02/05/2009 **H: Committee Report** do pass, adopted
 02/09/2009 **H: 2nd Reading** Order Engrossed
 02/10/2009 **H: 3rd Reading** Pass (98-0)
 02/10/2009 **H: Sponsor** Added [Vaneta Becker](#)
 02/10/2009 **H: Sponsor** Added [Robert J. Deig](#)
 02/19/2009 **S: 1st Reading** Assigned Corrections, Criminal, and Civil Matters

HB1121 Identity deception. ([L. Lawson](#), [Hume](#), [Steele](#))

Digest

Creates the identity theft unit (unit) in the office of the attorney general, and specifies that the unit shall: (1) investigate consumer complaints related to identity theft; (2) assist victims of identity theft; (3) cooperate with law enforcement investigations related to identity theft; (4) assist state and federal prosecuting attorneys in the investigation and prosecution of identity theft; and (5) promptly notify the appropriate law enforcement agency and prosecuting attorney if there is reasonable suspicion to believe that a person has committed identity theft. Authorizes certain agencies and persons to cooperate with the unit in investigating identity theft, and authorizes a prosecuting attorney to deputize the attorney general or a deputy attorney general to assist in the prosecution of an identity theft case. Provides that the unit may establish an educational program to inform consumers concerning identity theft. Requires the owner of a data base to notify the attorney general and the owner's regulator, if applicable, of a breach of the security of data. Requires a data base owner to take certain steps to safeguard data unless the data base owner has its own safeguards in accordance with certain federal laws. Provides certain rights to the victims of identity theft. Increases the penalty for identity deception committed against the person's child to a Class C felony. Provides that unlawfully using identifying information that identifies a fictitious person or a person other than the person who is using the information but that does not belong in its entirety to any live or deceased person constitutes synthetic identity deception. Makes other changes and conforming amendments.

Date	Action
01/08/2009	H: Author Added Linda Lawson
01/08/2009	H: Co Author Added Ralph M. Foley
01/08/2009	H: 1st Reading Assigned Judiciary
01/13/2009	H: Committee Sched 8:30 AM Room 156 D Judiciary
01/14/2009	H: Co Author Added Eric Koch
01/16/2009	H: Co Author Added Joe Pearson
02/03/2009	H: Committee Sched 8:30 AM Room 156 D Judiciary
02/03/2009	H: Committee Action Pass Amend(10-0) Judiciary
02/05/2009	H: Committee Report amend do pass, adopted
02/09/2009	H: 2nd Reading Order Engrossed
02/17/2009	H: 3rd Reading Pass (88-0)
02/17/2009	H: Sponsor Added Lindel O. Hume
02/17/2009	H: Sponsor Added Brent Steele
02/19/2009	S: 1st Reading Assigned Corrections, Criminal, and Civil Matters

HB1175 Victims' rights. ([Riecken](#), [Becker](#), [Sipes](#), [Deig](#))

Digest

Provides that if a motion is made to postpone a trial or other court proceeding involving certain offenses, the court shall consider whether a postponement will have an adverse impact on certain victims. Provides that a victim has the right to be free from intimidation, harassment, and abuse throughout the criminal justice process. Provides that, if defense counsel would like to depose or interview a child less than 16 years of age who is a victim or alleged victim of a sex offense, defense counsel must contact the prosecuting attorney. Specifies that the prosecuting attorney may not instruct the child not to speak with

defense counsel. Provides that, if defense counsel wishes to depose a child, defense counsel must arrange the deposition through the prosecuting attorney, who may request certain conditions be placed on the deposition in accordance with the Indiana trial rules. Authorizes a court to impose reasonable conditions on a deposition if the parties are unable to reach an agreement on the conditions of the deposition without the intervention of the court.

Date	Action	
01/12/2009	H: Author	Added Gail C Riecken
01/12/2009	H: 1st Reading	Assigned Judiciary
01/27/2009	H: Committee Sched	8:30 AM Room 156 Judiciary
02/10/2009	H: Committee Sched	8:30 AM Room 156 D Judiciary
02/17/2009	H: Committee Report	amend do pass, adopted
02/23/2009	H: 2nd Reading	Amended Order Engrossed
02/23/2009	H: Amendment	#2 (Riecken), prevailed; Voice Vote
02/25/2009	H: 3rd Reading	Pass (94-4)
02/25/2009	H: Sponsor	Added Robert J. Deig
02/25/2009	H: Sponsor	Added Robert J. Deig
02/25/2009	H: Sponsor	Added Robert J. Deig

HB1208 *Health, mental health, and addiction matters.* (C. Brown, Simpson, Lawson)

Digest

Establishes the mental health corrections quality advisory committee. Requires DOC to adopt standards for the use of mental health drugs for county jails that are the same as the standards used by DOC. Creates the mental health Medicaid quality advisory committee as a permanent committee to advise the drug utilization review board. (The Medicaid quality advisory committee is a temporary committee that expires July 1, 2009.) Provides for the closing of a juvenile proceeding for the testimony of health care providers and certain other providers. Creates a multiagency task force on workforce development issues relating to individuals with mental health and addictions issues (The introduced version of this bill was prepared by the commission on mental health.)

Date	Action	
01/12/2009	H: Author	Added Charlie Brown
01/12/2009	H: 1st Reading	Assigned Public Health
02/02/2009	H: Committee Sched	Upon Adjournment Room House Chamber Public Health
02/09/2009	H: Committee Sched	10:30 AM Room House Chamber Public Health
02/09/2009	H: Committee Action	Pass Amend(8-0) Public Health
02/10/2009	H: Committee Report	amend do pass, adopted
02/10/2009	H: Referred	Referred to Ways and Means
02/18/2009	H: Committee Sched	9:00 AM Room 404 Ways and Means
02/18/2009	H: Committee Action	Pass(17-0) Ways and Means
02/19/2009	H: Committee Report	do pass, adopted
02/23/2009	H: 2nd Reading	Order Engrossed
02/24/2009	H: 3rd Reading	Pass (97-0)
02/24/2009	H: Sponsor	Added Vi Simpson
02/24/2009	H: Sponsor	Added Connie Lawson

HB1462 *Criminal history checks.* (Kersey, Lubbers, Skinner)

Digest

Exempts a postsecondary educational institution from paying a fee for a limited criminal history record of a student in the institution's school of education before the student begins the student's field or classroom experience. Allows the state police department to charge a student a fee for responding to a request for

the release of a limited criminal history record. Requires a local superintendent to conduct an expanded criminal history background check before employing a potential employee in any position within the school corporation. Gives qualified immunity for certain school employees for certain acts or omissions during the course of their employment. Adds possession of child pornography to the list of felonies to be reported.

Date	Action	
01/14/2009	H: Author	Added Clyde Kersey
01/14/2009	H: Co Author	Added Gregory W. Porter
01/14/2009	H: 1st Reading	Assigned Education
02/02/2009	H: Co Author	Added Robert W. Behning
02/03/2009	H: Co Author	Added John Barnes
02/04/2009	H: Committee Sched	8:30 AM Room 156 A Education
02/04/2009	H: Committee Action	Pass Amend(12-0) Education
02/05/2009	H: Committee Report	amend do pass, adopted
02/05/2009	H: Referred	Referred to Ways and Means
02/16/2009	H: Committee Sched	9:00 AM Room 404 Ways and Means
02/16/2009	H: Committee Action	Pass Amend(22-0) Ways and Means
02/17/2009	H: Committee Report	amend do pass, adopted
02/20/2009	H: 2nd Reading	Amended Order Engrossed
02/20/2009	H: Amendment	#1 (Kersey), prevailed; Voice Vote
02/20/2009	H: Amendment	#2 (Kersey), prevailed; Voice Vote
02/20/2009	H: Amendment	#3 (Porter), prevailed; Voice Vote
02/25/2009	H: 3rd Reading	Pass (97-0)
02/25/2009	H: Sponsor	Added Timothy D. Skinner
02/25/2009	H: Sponsor	Added Timothy D. Skinner

HB1468 *Animal cruelty and commercial dog breeders.* (L. Lawson, Lubbers, Simpson, Zakas)

Digest

Authorizes the court, as a condition of bail or parole, or the parole board, as a condition of parole, to prohibit a person from owning, harboring, or training an animal, and, if the person is prohibited from having direct or indirect contact with an individual, from having direct or indirect contact with any animal belonging to the individual. Establishes commercial dog breeder regulations including: (1) requiring commercial dog breeders to register with the state board of animal health; and (2) establishing standards for premises where dogs are kept and conditions in which dogs are kept. Requires commercial dog breeders to refund the purchase price of a dog sold by the breeder to a purchaser under certain circumstances. Requires pet dealers to maintain certain records Provides that a veterinarian or registered veterinary technician may report a suspected incident of animal cruelty under the law concerning offenses relating to animals to a law enforcement officer. Provides that a person neglects an animal if the person fails to provide reasonable medical care for an animal's injury or illness. Broadens the definition of torturing an animal by administering poison by applying the definition to all vertebrate animals. (Current law applies only to dogs or cats.) Makes abandoning or neglecting an animal a Class A misdemeanor, and enhances the penalty to a Class D felony if the person has a prior conviction. Makes it killing a domestic animal, a Class A misdemeanor, for a person to knowingly or intentionally kill a domestic animal without the consent of the owner of the domestic animal. Makes the offense a Class D felony if the person knew or reasonably should have known the domestic animal was located on real property that was owned by: (1) the owner of the domestic animal; or (2) a person who keeps domestic animals on the real property for the purpose of breeding, boarding, or training domestic animals.

Date	Action	
01/14/2009	H: Author	Added Linda Lawson

01/14/2009	H: Co Author	Added Tim Neese
01/14/2009	H: Co Author	Added Trent Van Haaften
01/14/2009	H: Co Author	Added Jacqueline Walorski
01/14/2009	H: 1st Reading	Assigned Courts and Criminal Code
02/04/2009	H: Committee Sched	1:30 PM Room 156 C Courts and Criminal Code
02/11/2009	H: Committee Sched	1:30 PM Room 156 C Courts and Criminal Code
02/11/2009	H: Committee Action	Pass Amend(11-1) Courts and Criminal Code
02/12/2009	H: Committee Report	amend do pass, adopted
02/16/2009	H: Co Author	Removed Tim Neese
02/16/2009	H: Co Author	Added Jerry Torr
02/17/2009	H: 2nd Reading	Amended Order Engrossed
02/17/2009	H: Amendment	#1 (Walorski), prevailed; Voice Vote
02/17/2009	H: Amendment	#10 (Messmer), failed; Voice Vote
02/17/2009	H: Amendment	#6 (Foley), failed; Voice Vote
02/17/2009	H: Amendment	#5 (Foley), failed; Voice Vote
02/17/2009	H: Amendment	#7 (Messmer), failed; Division of the House: Yeas 47, Nays 51
02/19/2009	H: 3rd Reading	Pass (81-14)
02/19/2009	H: Sponsor	Added Teresa S. Lubbers
02/19/2009	H: Sponsor	Added Vi Simpson
02/19/2009	H: Sponsor	Added Joseph C. Zakas
02/19/2009	H: Co Sponsor	Added Tim Lanane
02/23/2009	S: 1st Reading	Assigned Corrections, Criminal, and Civil Matters

HB1578 GPS monitoring and restraining orders. (Dembowski, Errington, Charbonneau)

Digest

Permits a court to require a person who is subject to an order of protection to wear a GPS tracking device if the court finds that the person violated an order for protection. Provides that if a court orders GPS tracking, the court shall require the use of a GPS tracking device with certain notification capabilities. Requires the division of state court administration to provide reports to the general assembly concerning GPS tracking.

<u>Date</u>	<u>Action</u>	
01/16/2009	H: Author	Added Nancy Dembowski
01/16/2009	H: 1st Reading	Assigned Judiciary
01/29/2009	H: Co Author	Added Linda Lawson
02/03/2009	H: Committee Sched	8:30 AM Room 156 D Judiciary
02/03/2009	H: Co Author	Added Eric Koch
02/05/2009	H: Co Author	Added Phyllis J. Pond
02/10/2009	H: Committee Sched	8:30 AM Room 156 D Judiciary
02/12/2009	H: Committee Report	amend do pass, adopted
02/20/2009	H: 2nd Reading	Amended Order Engrossed
02/20/2009	H: Amendment	#1 (Dembowski), prevailed; Voice Vote
02/20/2009	H: Amendment	#2 (L. Lawson), withdrawn
02/25/2009	H: 3rd Reading	Pass (98-0)
02/25/2009	H: Sponsor	Added Edward E. Charbonneau
02/25/2009	H: Sponsor	Added Edward E. Charbonneau

HB1609 Battery on a sports official or utility worker. (Day, Charbonneau)

Digest

Makes battery on a: (1) sports official at a sports contest; or (2) utility worker engaged in the execution of the utility worker's official duty; a Class D felony instead of a Class B misdemeanor if it results in bodily injury to the sports official or utility worker.

Date	Action	
01/16/2009	H: Author	Added John Day
01/16/2009	H: Co Author	Added Linda Lawson
01/16/2009	H: 1st Reading	Assigned Courts and Criminal Code
02/05/2009	H: Co Author	Added Dan C. Stevenson
02/05/2009	H: Co Author	Added David L. Niezgodski
02/11/2009	H: Committee Sched	1:30 PM Room 156 C Courts and Criminal Code
02/11/2009	H: Committee Action	Pass Amend(9-2) Courts and Criminal Code
02/12/2009	H: Co Author	Removed David L. Niezgodski
02/12/2009	H: Co Author	Added Charles Moseley
02/16/2009	H: Committee Report	amend do pass, adopted
02/19/2009	H: 2nd Reading	Amended Order Engrossed
02/19/2009	H: Amendment	#2 (Soliday), failed; Voice Vote
02/19/2009	H: Amendment	#1 (Dobis), prevailed; Voice Vote
02/25/2009	H: 3rd Reading	Pass (54-45)
02/25/2009	H: Sponsor	Added Edward E. Charbonneau

HB1642 *Trafficking in cellular telephones with inmates.* (Dermody, M. Young, Arnold)

Digest

Enhances the penalty for trafficking with an inmate to a Class C felony if the item trafficked is a cellular telephone.

Date	Action	
01/16/2009	H: Author	Added Tom Dermody
01/16/2009	H: Co Author	Added Linda Lawson
01/16/2009	H: 1st Reading	Assigned Courts and Criminal Code
02/11/2009	H: Committee Sched	1:30 PM Room 156 C Courts and Criminal Code
02/11/2009	H: Committee Action	Pass(12-0) Courts and Criminal Code
02/12/2009	H: Co Author	Added Scott Pelath
02/16/2009	H: Committee Report	do pass, adopted
02/19/2009	H: 2nd Reading	Order Engrossed
02/24/2009	H: Co Author	Added P. Eric Turner
02/25/2009	H: 3rd Reading	Pass (96-0)
02/25/2009	H: Sponsor	Added Jim Arnold
02/25/2009	H: Sponsor	Added Jim Arnold

SB0003 *Juvenile DNA testing.* (Zakas, L. Lawson)

Digest

Requires a juvenile court to order a child found to be delinquent for the commission of an act that, if committed by an adult, would be: (1) burglary; (2) residential entry; (3) a crime of violence; or (4) a sex offense; to provide a DNA sample to the agency having supervision of the child or to the county sheriff. Makes conforming amendments.

Date	Action	
01/07/2009	S: Author	Added Joseph C. Zakas
01/07/2009	S: 1st Reading	Assigned Rules and Legislative Procedure
01/08/2009	S: Committee Report	amended, reassigned Judiciary
01/08/2009	S: 2nd Author	Added James W. Merritt, Jr.
01/08/2009	S: Co Author	Added Richard D. Bray
01/08/2009	S: Co Author	Added Jim Arnold
01/22/2009	S: Co Author	Added Edward E. Charbonneau

01/29/2009 **S: Committee Sched** 9:00 AM Room Senate Chamber Judiciary
 01/29/2009 **S: Co Author** Added Teresa S. Lubbers
 01/29/2009 **S: Co Author** Added John E. Broden
 01/29/2009 **S: Committee Action** Pass(7-0) Judiciary
 02/02/2009 **S: Committee Report** do pass, adopted
 02/05/2009 **S: 2nd Reading** Order Engrossed
 02/09/2009 **S: 3rd Reading** Pass (41-9)
 02/09/2009 **S: Sponsor** Added Linda Lawson
 02/09/2009 **S: Co Author** Added Dennis K. Kruse
 02/09/2009 **S: Co Author** Added Thomas J. Wyss
 02/25/2009 **H: 1st Reading** Assigned Courts and Criminal Code

SB0004 Use of DNA evidence. (Zakas, L. Lawson)

Digest

Permits, subject to Combined DNA Index System (CODIS) guidelines, the superintendent of the state police department to authorize the investigation of a person genetically related to an individual whose DNA profile is stored in the DNA data base if the results of a DNA test conducted on a DNA sample as part of a criminal investigation do not show an exact match between the DNA sample and the DNA profile stored in the data base but show that the DNA sample matches the DNA profile stored in the data base so closely as to suggest that a person genetically related to the individual whose DNA profile is stored in the data base may be a suspect.

Date	Action
01/07/2009	S: Author Added <u>Joseph C. Zakas</u>
01/07/2009	S: 1st Reading Assigned <u>Rules and Legislative Procedure</u>
01/08/2009	S: Committee Report amended, reassigned <u>Judiciary</u>
01/08/2009	S: 2nd Author Added <u>James W. Merritt, Jr.</u>
01/08/2009	S: Co Author Added <u>Richard D. Bray</u>
01/08/2009	S: Co Author Added <u>Jim Arnold</u>
01/29/2009	S: Committee Sched 9:00 AM Room Senate Chamber <u>Judiciary</u>
01/29/2009	S: Co Author Added <u>Teresa S. Lubbers</u>
01/29/2009	S: Co Author Added <u>John E. Broden</u>
01/29/2009	S: Committee Action <u>Pass(7-0) Judiciary</u>
02/02/2009	S: Committee Report do pass, adopted
02/05/2009	S: 2nd Reading Order Engrossed
02/09/2009	S: 3rd Reading <u>Pass (44-6)</u>
02/09/2009	S: Sponsor Added <u>Linda Lawson</u>
02/09/2009	S: Co Author Added <u>Dennis K. Kruse</u>
02/09/2009	S: Co Author Added <u>Thomas J. Wyss</u>
02/25/2009	H: 1st Reading Assigned <u>Courts and Criminal Code</u>

SB0021 Theft of metal. (Broden, Steele, Tallian, L. Lawson)

Digest

Expands the definition of "valuable metal", and removes the provision exempting valuable metal transactions under \$100 from reporting requirements. Requires a valuable metal dealer to photograph the person from whom the dealer purchases valuable metal and the valuable metal being purchased and to record the source of the valuable metal. Requires the superintendent of the state police to notify valuable metal dealers of valuable metals that are particularly susceptible to theft. Makes trespassing a Class D felony if it is committed on a facility belonging to a public utility. Raises theft and receiving stolen property to a Class C felony if the stolen property is a valuable metal taken from a public utility, railroad, or highway department and the absence of the metal creates a substantial risk of bodily injury to a

person. Requires the law enforcement training board to adopt rules to provide, as part of the inservice training program for police officers, training concerning the theft of valuable metals and the regulation of valuable metal dealers. Makes a technical correction. Repeals obsolete provisions relating to the definition of valuable metals. (The introduced version of this bill was prepared by the sentencing policy study committee.)

Date	Action
01/07/2009	S: Author Added Brent Steele
01/07/2009	S: Author Added Karen Tallian
01/07/2009	S: 1st Reading Assigned Corrections, Criminal, and Civil Matters
01/13/2009	S: Committee Sched 9:00 AM Room 130 Corrections, Criminal, and Civil Matters
01/13/2009	S: Committee Action Pass Amend(10-0) Corrections, Criminal, and Civil Matters
01/14/2009	S: Committee Report amend do pass, adopted
01/15/2009	S: Author Added John E. Broden
01/22/2009	S: 2nd Reading Order Engrossed
01/27/2009	S: 3rd Reading Pass (49-1)
01/27/2009	S: Sponsor Added Linda Lawson
01/27/2009	S: Co Sponsor Added Ralph M. Foley
01/27/2009	S: Co Author Added Earline S. Rogers
02/25/2009	H: 1st Reading Assigned Courts and Criminal Code

SB0034 *Assisting a criminal.* (Bray, L. Lawson)

Digest

Transfers certain provisions concerning providing assistance to a criminal from the crime of assisting a criminal to the crime of obstruction of justice. Renames the crime of assisting a criminal to "assisting a fugitive." (The bill keeps existing provisions that make it a crime to harbor, conceal, or otherwise assist a fugitive from justice with the intent to hinder the apprehension or punishment of the fugitive). Makes assisting a fugitive a Class D felony, and enhances the penalty to a Class C felony if the assisting was providing a deadly weapon. Removes provisions that enhanced the penalty based on the crime that the fugitive or criminal had committed. Specifies that it is not a defense that the person: (1) has not been prosecuted; (2) has not been convicted; or (3) has been acquitted by reason of insanity. Provides that a person commits obstruction of justice if the person, knowing or having reason to believe that a person has committed a crime or delinquent act, and with the intent to hinder the apprehension or punishment of the person, harbors, conceals or assists in the unlawful flight of the person. Enhances the penalty to a Class C felony if the assistance was providing a deadly weapon, and specifies that the offense does not apply to the parent, spouse, or child of the person who is harbored, concealed, or assisted. Makes conforming amendments. (The introduced version of this bill was prepared by the sentencing policy study committee.)

Date	Action
01/07/2009	S: 1st Reading Assigned Corrections, Criminal, and Civil Matters
01/07/2009	S: Author Added Richard D. Bray
01/13/2009	S: Committee Sched 9:00 AM Room 130 Corrections, Criminal, and Civil Matters
01/13/2009	S: 2nd Author Added Randy Head
01/27/2009	S: Committee Sched 9:00 AM Room 130 Corrections, Criminal, and Civil Matters
02/03/2009	S: Committee Sched 9:00 AM Room 233 Corrections, Criminal, and Civil Matters
02/03/2009	S: Committee Action Pass Amend(6-3) Corrections, Criminal, and Civil Matters
02/05/2009	S: Committee Report amend do pass, adopted
02/09/2009	S: 2nd Reading Order Engrossed
02/17/2009	S: 3rd Reading Pass (42-8)
02/17/2009	S: Sponsor Added Linda Lawson
02/17/2009	S: Co Sponsor Added Ralph M. Foley

02/25/2009 **H: 1st Reading** Assigned Courts and Criminal Code**SB0041** *Attempted sex crimes as enhancement at sentencing.* (Arnold, L. Lawson)**Digest**

Provides that an attempted sex offense may be used to establish that a person is a repeat sex offender, and makes conforming amendments.

Date	Action
01/07/2009	S: Author Added <u>Jim Arnold</u>
01/07/2009	S: 1st Reading Assigned <u>Judiciary</u>
01/08/2009	S: Co Author Added <u>Richard D. Young, Jr.</u>
01/12/2009	S: Co Author Added <u>Randy Head</u>
01/12/2009	S: 2nd Author Added <u>Lonnie Randolph</u>
01/14/2009	S: Co Author Added <u>Richard D. Bray</u>
01/14/2009	S: Co Author Added <u>Thomas J. Wyss</u>
01/20/2009	S: Co Author Added <u>Joseph C. Zakas</u>
01/21/2009	S: Committee Sched 9:00 AM Room 130 <u>Judiciary</u>
01/21/2009	S: Committee Action Pass Amend(8-0) <u>Judiciary</u>
01/22/2009	S: Committee Report amend do pass, adopted
01/22/2009	S: Co Author Added <u>Dennis K. Kruse</u>
01/26/2009	S: 2nd Author Removed <u>Lonnie Randolph</u>
01/26/2009	S: Co Author Added <u>Lonnie Randolph</u>
01/26/2009	S: Co Author Removed <u>Joseph C. Zakas</u>
01/26/2009	S: 2nd Author Added <u>Joseph C. Zakas</u>
01/26/2009	S: 2nd Reading Order Engrossed
01/27/2009	S: 3rd Reading Pass (50-0)
01/27/2009	S: Sponsor Added <u>Linda Lawson</u>
01/27/2009	S: Co Sponsor Added <u>Peggy Welch</u>
02/25/2009	H: 1st Reading Assigned <u>Courts and Criminal Code</u>

SB0045 *Bail.* (Steele, VanDenburgh)**Digest**

Makes changes to the Indiana bail law concerning: (1) notices to sureties and bond agents; (2) circumstances under which a cause is determined; (3) failure to appear; and (4) substitution of bail for deposits. Specifies that a court may require a defendant admitted to bail to execute a bail bond written by an insurer (instead of being executed with sufficient solvent sureties). Removes a provision that allows a court admitting a defendant to bail to require the defendant to post a real estate bond. Makes other changes.

Date	Action
01/07/2009	S: Author Added <u>Brent Steele</u>
01/07/2009	S: 1st Reading Assigned <u>Judiciary</u>
01/07/2009	S: Reassign Assigned <u>Corrections, Criminal, and Civil Matters</u>
02/17/2009	S: Committee Sched 9:00 AM Room 130 <u>Corrections, Criminal, and Civil Matters</u>
02/17/2009	S: Committee Action Pass Amend(6-2) <u>Corrections, Criminal, and Civil Matters</u>
02/19/2009	S: Committee Report amend do pass, adopted
02/23/2009	S: 2nd Reading Amended Order Engrossed
02/23/2009	S: Amendment #1 (Steele), prevailed; Voice Vote
02/24/2009	S: 3rd Reading Pass (48-1)
02/24/2009	S: Sponsor Added <u>Shelli VanDenburgh</u>
02/24/2009	S: 2nd Author Added <u>Richard D. Bray</u>

SB0047 *Conversion by failure to return rented property.* (Steele, Arnold, L. Lawson)

Digest

Requires a lessor to include in a rental or lease agreement: (1) the date, time, and place that a leased item must be returned; and (2) the potential criminal penalties faced by a person who violates the terms of a rental or lease agreement. Makes it a Class D felony if a person knowingly or intentionally fails to return a leased motor vehicle or item of personal property with intent to deprive the property owner of the use of the property, unless the person: (1) notifies the lessor on or before the return date specified in the rental or lease agreement that the person will be unable to return the leased or rented property in a timely manner; and (2) returns the leased or rented property within ten days of the specified return date.

Date	Action
01/07/2009	S: Author Added Brent Steele
01/07/2009	S: 1st Reading Assigned Corrections, Criminal, and Civil Matters
01/13/2009	S: Committee Sched 9:00 AM Room 130 Corrections, Criminal, and Civil Matters
01/14/2009	S: Committee Report amend do pass, adopted
01/14/2009	S: 2nd Author Added Richard D. Bray
01/14/2009	S: Committee Action Pass(10-0) Corrections, Criminal, and Civil Matters
01/22/2009	S: 2nd Reading Order Engrossed
01/22/2009	S: Author Added Jim Arnold
01/26/2009	S: Co Author Added Karen Tallian
01/27/2009	S: 2nd Reading Return to 2nd Reading
02/02/2009	S: 2nd Reading Amended Order Engrossed
02/02/2009	S: Amendment #2 (Steele), prevailed; Voice Vote
02/03/2009	S: 3rd Reading Pass (49-0)
02/03/2009	S: Sponsor Added Linda Lawson
02/03/2009	S: Co Sponsor Added Ralph M. Foley
02/25/2009	H: 1st Reading Assigned Courts and Criminal Code

SB0048 *Child solicitation.* (Head, [L. Lawson](#))

Digest

DIGEST OF SB48 (Updated February 24, 2009 11:06 am - DI 84) Child solicitation. Makes child solicitation committed by a person at least 21 years of age against a child under 14 years of age a Class C felony if the person performs an overt act demonstrating an intent to physically meet the child. Enhances the penalty to a Class B felony if it is committed by means of a computer network, and to a Class A felony if it is committed by means of a computer network by a person who has a prior conviction for child solicitation by means of a computer network.

Date	Action
01/07/2009	S: Author Added Randy Head
01/07/2009	S: 1st Reading Assigned Corrections, Criminal, and Civil Matters
01/12/2009	S: 2nd Author Added James W. Merritt, Jr.
01/12/2009	S: Co Author Added Jim Arnold
01/13/2009	S: Co Author Added Edward E. Charbonneau
01/22/2009	S: Co Author Added Greg Taylor
01/27/2009	S: Committee Sched 9:00 AM Room 130 Corrections, Criminal, and Civil Matters
01/27/2009	S: Co Author Added John M. Waterman
01/27/2009	S: Co Author Added Brent Steele
01/27/2009	S: Co Author Added Mike Delph
02/03/2009	S: Committee Sched 9:00 AM Room 233 Corrections, Criminal, and Civil Matters
02/17/2009	S: Committee Sched 9:00 AM Room 130 Corrections, Criminal, and Civil Matters
02/17/2009	S: Committee Action Pass Amend(6-1) Corrections, Criminal, and Civil Matters
02/19/2009	S: Committee Report amend do pass, adopted

02/19/2009	S: Co Author	Added Marlin Stutzman
02/23/2009	S: 2nd Reading	Order Engrossed
02/23/2009	S: Co Author	Added Travis Holdman
02/24/2009	S: 3rd Reading	Pass (49-0)
02/24/2009	S: Sponsor	Added Linda Lawson
02/24/2009	S: Co Sponsor	Added William C. Friend
02/24/2009	S: Co Sponsor	Added Scott Reske
02/24/2009	S: Co Sponsor	Added Nancy Dembowski
02/24/2009	S: Co Author	Added Thomas J. Wyss

SB0092 *Sex offenders and the Internet.* (Mrvan, M. Young, Reske)

Digest

Requires a sex offender who has been convicted of child solicitation, child seduction, or child exploitation (including possession of child pornography), as a condition of parole, a condition of probation, or as part of the sex offender's sentence, to permit: (1) the search of the person's personal computer at any time; and (2) the installation on the person's personal computer or device with Internet capability, at the person's expense, of one or more hardware or software systems to monitor Internet usage. Provides that the search of the computer must be conducted in a manner that interferes as little as practicable with the legitimate use of the computer, while still allowing a reliable determination of whether the person has committed a crime or violated a condition of probation or parole. Provides that a person who knowingly or intentionally refuses to permit a search of the person's computer or the installation of a monitoring device on the person's computer imposed as a part of the person's sentence may be found to be in indirect contempt of court. Specifies the court in which a petition to remove the designation as a sexually violent predator or an offender against children must be filed, and provides that the petitioner has the burden of proving that the designation should be removed. Specifies that, as a condition of probation or parole, a sex offender shall be prohibited from accessing certain websites specifically identified by the parole board or court as being frequented by children.

Date	Action
01/07/2009	S: Author Added R. Michael Young
01/07/2009	S: 1st Reading Assigned Corrections, Criminal, and Civil Matters
02/10/2009	S: Committee Sched 9:00 AM Room 130 Corrections, Criminal, and Civil Matters
02/10/2009	S: 2nd Author Added Mike Delph
02/10/2009	S: Author Added Frank Mrvan, Jr.
02/10/2009	S: Co Author Added John M. Waterman
02/10/2009	S: Committee Action Pass Amend(5-3) Corrections, Criminal, and Civil Matters
02/12/2009	S: Committee Report amend do pass, adopted
02/17/2009	S: Co Author Added James W. Merritt, Jr.
02/19/2009	S: 2nd Reading Amended Order Engrossed
02/19/2009	S: Amendment #1 (M. Young), prevailed; Voice Vote
02/19/2009	S: Amendment #2 (M. Young), prevailed; Voice Vote
02/19/2009	S: Co Author Added Brent Steele
02/23/2009	S: 3rd Reading Pass (48-0)
02/23/2009	S: Sponsor Added Scott Reske
02/23/2009	S: Co Sponsor Added Ralph M. Foley
02/23/2009	S: Co Sponsor Added Phillip D. Hinkle
02/23/2009	S: Co Author Added Dennis K. Kruse
02/23/2009	S: Co Author Added Thomas J. Wyss

SB0181 *Child seduction.* (Lubbers, Delph, Pierce)

Digest

Expands the group of persons who commit child seduction by adding persons employed by a charter school and persons otherwise affiliated with a school corporation, charter school, or nonpublic school, if the person affiliated with the school: (1) has a position of trust with respect to a child who attends the school; (2) is engaged in the provision of care or supervision to a child who attends the school; and is at least four years older than the child. Defines "military recruiter" to mean a member of the armed forces whose primary job is recruiting individuals to enlist with the armed forces, and provides that a military recruiter commits child seduction if a military recruiter who is attempting to enlist a child at least 16 years old but less than 18 years: (1) engages in sexual intercourse with the child; (2) engages in deviate sexual conduct with the child; or (3) fondles the child.

Date	Action	
01/07/2009	S: Author	Added Teresa S. Lubbers
01/07/2009	S: 1st Reading	Assigned Judiciary
01/22/2009	S: Co Author	Added Mike Delph
01/29/2009	S: Committee Sched	9:00 AM Room Senate Chamber Judiciary
01/29/2009	S: Co Author	Added John E. Broden
01/29/2009	S: Co Author	Added Joseph C. Zakas
02/11/2009	S: Committee Sched	9:00 AM Room 130 Judiciary
02/11/2009	S: Committee Action	Pass Amend(10-0) Judiciary
02/12/2009	S: Committee Report	amend do pass, adopted
02/12/2009	S: Co Author	Removed Joseph C. Zakas
02/12/2009	S: Co Author	Added Brent Steele
02/16/2009	S: Co Author	Removed Brent Steele
02/16/2009	S: 2nd Author	Added Brent Steele
02/17/2009	S: 2nd Reading	Order Engrossed
02/17/2009	S: Co Author	Added Joseph C. Zakas
02/19/2009	S: Co Author	Removed Mike Delph
02/19/2009	S: Author	Added Mike Delph
02/19/2009	S: 3rd Reading	Pass (50-0)
02/19/2009	S: Sponsor	Added Matt Pierce
02/19/2009	S: Co Sponsor	Added Kreg Battles
02/19/2009	S: Co Author	Added Patricia L. Miller
02/25/2009	H: 1st Reading	Assigned Courts and Criminal Code

SB0186 *Criminal code evaluation commission.* ([Merritt, L. Lawson](#))

Digest

Establishes the criminal code evaluation commission to evaluate and offer suggestions to improve the criminal code.

Date	Action	
01/07/2009	S: Author	Added James W. Merritt, Jr.
01/07/2009	S: 1st Reading	Assigned Judiciary
02/18/2009	S: Committee Sched	9:00 AM Room 130 Judiciary
02/18/2009	S: Committee Action	Pass(8-0) Judiciary
02/19/2009	S: Committee Report	do pass, adopted
02/23/2009	S: 2nd Reading	Order Engrossed
02/24/2009	S: 3rd Reading	Pass (49-0)
02/24/2009	S: Sponsor	Added Linda Lawson
02/24/2009	S: 2nd Author	Added Richard D. Bray

SB0222 *Killing a domestic animal.* ([Arnold, Charbonneau, L. Lawson](#))

Digest

Makes it killing a domestic animal, a Class D felony, for a person to knowingly or intentionally kill a domestic animal without the consent of the owner of the domestic animal. Provides certain defenses to killing a domestic animal, including if the animal was killed to protect a person or property.

Date	Action
01/07/2009	S: Author Added Jim Arnold
01/07/2009	S: 1st Reading Assigned Corrections, Criminal, and Civil Matters
01/08/2009	S: Co Author Added Richard D. Young, Jr.
01/12/2009	S: 2nd Author Added Lonnie Randolph
01/20/2009	S: Co Author Added Joseph C. Zakas
01/26/2009	S: Co Author Added Randy Head
01/26/2009	S: 2nd Author Removed Lonnie Randolph
01/26/2009	S: 2nd Author Added Brent Steele
01/26/2009	S: Co Author Added Lonnie Randolph
02/17/2009	S: Committee Sched 9:00 AM Room 130 Corrections, Criminal, and Civil Matters
02/17/2009	S: Co Author Added Tim Lanane
02/17/2009	S: Co Author Added Karen Tallian
02/17/2009	S: Committee Action Pass Amend(9-0) Corrections, Criminal, and Civil Matters
02/19/2009	S: Committee Report amend do pass, adopted
02/23/2009	S: 2nd Reading Order Engrossed
02/23/2009	S: Author Added Edward E. Charbonneau
02/24/2009	S: 3rd Reading Pass (48-1)
02/24/2009	S: Sponsor Added Linda Lawson
02/24/2009	S: Co Sponsor Added Kreg Battles
02/24/2009	S: Co Sponsor Added Nancy Dembowski
02/24/2009	S: Co Sponsor Added Tom Dermody

SB0223 *Trafficking cell phones with inmates.* (M. Young, Arnold, Tincher)

Digest

Makes trafficking with an inmate (which is, without enhancement, a Class A misdemeanor) a Class C felony if the item trafficked is a cellular telephone.

Date	Action
01/07/2009	S: 1st Reading Assigned Corrections, Criminal, and Civil Matters
01/07/2009	S: Author Added R. Michael Young
01/07/2009	S: Author Added Jim Arnold
01/13/2009	S: Co Author Added Timothy D. Skinner
01/13/2009	S: Co Author Added Lonnie Randolph
02/16/2009	S: Committee Sched Upon Adjournment Room 130 Corrections, Criminal, and Civil Matters
02/16/2009	S: Committee Action Pass(6-3) Corrections, Criminal, and Civil Matters
02/17/2009	S: Committee Report do pass, adopted
02/19/2009	S: 2nd Reading Order Engrossed
02/23/2009	S: 3rd Reading Pass (46-3)
02/23/2009	S: Sponsor Added Vern Tincher
02/23/2009	S: Co Sponsor Added Tom Dermody
02/23/2009	S: Co Sponsor Added Shelli VanDenburgh

SB0236 *Sentence enhancement for feticide.* (Merritt, L. Lawson)

Digest

Provides that a person who, while committing or attempting to commit murder or felony murder, causes

the death of a child in utero may be sentenced to an additional term of imprisonment of six to 20 years. Increases the penalty for feticide from a Class C felony to a Class B felony.

Date	Action	
01/07/2009	S: Author	Added James W. Merritt, Jr.
01/07/2009	S: 1st Reading	Assigned Judiciary
01/26/2009	S: Co Author	Added Mike Delph
02/05/2009	S: 2nd Author	Added Brent Steele
02/11/2009	S: Committee Sched	9:00 AM Room 130 Judiciary
02/18/2009	S: Committee Sched	9:00 AM Room 130 Judiciary
02/19/2009	S: Committee Report	amend do pass, adopted
02/23/2009	S: 2nd Reading	Order Engrossed
02/23/2009	S: Co Author	Added Thomas J. Wyss
02/23/2009	S: Co Author	Added Travis Holdman
02/24/2009	S: 3rd Reading	Pass (40-9)
02/24/2009	S: Sponsor	Added Linda Lawson
02/24/2009	S: Co Sponsor	Added Michael B. Murphy
02/24/2009	S: Co Author	Added Patricia L. Miller
02/24/2009	S: Co Author	Added Marlin Stutzman

SB0238 Crimes against animals. ([Merritt](#), [Sullivan](#))

Digest

Provides that a person neglects an animal for purposes of the animal cruelty statute if the person restrains the animal in a manner that causes the animal to suffer: (1) serious permanent disfigurement; (2) serious temporary disfigurement; (3) permanent or protracted loss or impairment of the function of a bodily part or organ; or (4) a fracture.

Date	Action	
01/07/2009	S: Author	Added James W. Merritt, Jr.
01/07/2009	S: 1st Reading	Assigned Corrections, Criminal, and Civil Matters
02/17/2009	S: Committee Sched	9:00 AM Room 130 Corrections, Criminal, and Civil Matters
02/17/2009	S: Committee Action	Pass Amend(10-0) Corrections, Criminal, and Civil Matters
02/19/2009	S: Committee Report	amend do pass, adopted
02/23/2009	S: 2nd Reading	Order Engrossed
02/24/2009	S: 3rd Reading	Pass (48-1)
02/24/2009	S: Sponsor	Added Mary Ann Sullivan
02/24/2009	S: 2nd Author	Added Teresa S. Lubbers

SB0252 Operating while intoxicated. ([Wyss](#), [Brodén](#), [Tincher](#))

Digest

Specifies alcohol concentration equivalents for blood tests conducted on blood serum instead of whole blood for use in laws concerning the operation of motor vehicles and motorboats while intoxicated.

Date	Action	
01/07/2009	S: 1st Reading	Assigned Corrections, Criminal, and Civil Matters
01/07/2009	S: Author	Added Thomas J. Wyss
01/07/2009	S: Author	Added John E. Broden
01/13/2009	S: 2nd Author	Removed John E. Broden
01/13/2009	S: 2nd Author	Added James W. Merritt, Jr.
02/03/2009	S: Committee Sched	9:00 AM Room 233 Corrections, Criminal, and Civil Matters
02/03/2009	S: Co Author	Added Lindel O. Hume
02/03/2009	S: Co Author	Added R. Michael Young

02/03/2009 **S: Co Author** Added [Tim Lanane](#)
 02/03/2009 **S: Co Author** Added [Brent Steele](#)
 02/03/2009 **S: Co Author** Added [Randy Head](#)
 02/03/2009 **S: Committee Action** Pass(9-0) [Corrections, Criminal, and Civil Matters](#)
 02/05/2009 **S: Committee Report** do pass, adopted
 02/09/2009 **S: 2nd Reading** Order Engrossed
 02/10/2009 **S: 3rd Reading** Pass (50-0)
 02/10/2009 **S: Sponsor** Added [Vern Tincher](#)
 02/10/2009 **S: Co Sponsor** Added [Ralph M. Foley](#)
 02/25/2009 **H: 1st Reading** Assigned [Public Policy](#)

SB0276 *Habitual offender filing deadline.* ([Arnold](#), [Head](#), [Friend](#))

Digest

Permits amending an indictment or information to include a habitual offender charge at any time before trial if the amendment does not prejudice the substantial rights of the defendant. Makes technical corrections concerning procedures for amending an indictment or information.

Date	Action
01/07/2009	S: Author Added Randy Head
01/07/2009	S: 1st Reading Assigned Corrections, Criminal, and Civil Matters
01/12/2009	S: 2nd Author Added James W. Merritt, Jr.
01/12/2009	S: Co Author Added Jim Arnold
01/13/2009	S: Committee Sched 9:00 AM Room 130 Corrections, Criminal, and Civil Matters
01/13/2009	S: Committee Action Pass Amend(8-2) Corrections, Criminal, and Civil Matters
01/14/2009	S: Committee Report amend do pass, adopted
01/14/2009	S: Co Author Added Brent Steele
01/22/2009	S: 2nd Reading Amended Order Engrossed
01/22/2009	S: Amendment #1 (M. Young), prevailed; Voice Vote
01/22/2009	S: Co Author Removed Jim Arnold
01/22/2009	S: Author Added Jim Arnold
01/26/2009	S: 3rd Reading Pass (40-9)
01/26/2009	S: Sponsor Added William C. Friend
01/26/2009	S: Co Sponsor Added Ron Herrell
01/26/2009	S: Co Author Added Joseph C. Zakas
02/25/2009	H: 1st Reading Assigned Courts and Criminal Code

SB0278 *Retail theft.* ([Head](#), [Dembowski](#))

Digest

Makes it commercial theft, a Class C felony, for a person to exert unauthorized control over another person's property having a fair market value of at least one thousand dollars (\$1,000), if the offense is committed: (1) at a location where business is regularly conducted; and (2) with the intent to resell the property.

Date	Action
01/07/2009	S: Author Added Randy Head
01/07/2009	S: 1st Reading Assigned Corrections, Criminal, and Civil Matters
01/22/2009	S: Co Author Added Greg Taylor
02/03/2009	S: Committee Sched 9:00 AM Room 233 Corrections, Criminal, and Civil Matters
02/17/2009	S: Committee Sched 9:00 AM Room 130 Corrections, Criminal, and Civil Matters
02/17/2009	S: Committee Action Pass Amend(5-1) Corrections, Criminal, and Civil Matters
02/19/2009	S: Committee Report amend do pass, adopted
02/23/2009	S: 2nd Reading Order Engrossed

02/24/2009 **S: 3rd Reading** [Pass \(42-7\)](#)
 02/24/2009 **S: Sponsor** Added [Nancy Dembowski](#)
 02/24/2009 **S: Co Sponsor** Added [Ralph M. Foley](#)
 02/24/2009 **S: 2nd Author** Added [Greg Walker](#)
 02/24/2009 **S: Co Author** Added [Carlin Yoder](#)

SB0294 Identity deception. ([Steele, L. Lawson](#))

Digest

Creates the identity theft unit (unit) in the office of the attorney general, and specifies that the unit shall: (1) investigate consumer complaints related to identity theft; (2) assist victims of identity theft; (3) cooperate with law enforcement investigations related to identity theft; (4) assist state and federal prosecuting attorneys in the investigation and prosecution of identity theft; and (5) promptly notify the appropriate law enforcement agency and prosecuting attorney if there is reasonable suspicion to believe that a person has committed identity theft. Authorizes certain agencies and persons to cooperate with the unit in investigating identity theft, and authorizes a prosecuting attorney to deputize the attorney general or a deputy attorney general to assist in the prosecution of an identity theft case. Provides that the unit may establish an educational program to inform consumers concerning identity theft. Requires the owner of a data base to notify the attorney general and the owner's regulator, if applicable, of a breach of the security of data. Requires a data base owner to take certain steps to safeguard data unless the data base owner has its own safeguards in accordance with certain federal laws. Provides certain rights to the victims of identity theft. Increases the penalty for identity deception committed against the person's child to a Class C felony. Provides that unlawfully using identifying information that identifies a fictitious person or a person other than the person who is using the information but that does not belong in its entirety to any live or deceased person constitutes synthetic identity deception. Makes other changes and conforming amendments.

Date	Action
01/07/2009	S: Author Added Brent Steele
01/07/2009	S: 1st Reading Assigned Corrections, Criminal, and Civil Matters
01/12/2009	S: Co Author Added John M. Waterman
01/12/2009	S: Co Author Added Gary Dillon
01/12/2009	S: Co Author Added Randy Head
01/27/2009	S: Committee Sched 9:00 AM Room 130 Corrections, Criminal, and Civil Matters
01/27/2009	S: Co Author Added Lindel O. Hume
02/03/2009	S: Committee Sched 9:00 AM Room 233 Corrections, Criminal, and Civil Matters
02/03/2009	S: Committee Action Pass Amend(7-0) Corrections, Criminal, and Civil Matters
02/05/2009	S: Committee Report amend do pass, adopted
02/09/2009	S: 2nd Reading Order Engrossed
02/09/2009	S: Co Author Removed Randy Head
02/09/2009	S: 2nd Author Added Randy Head
02/10/2009	S: 3rd Reading Pass (49-0)
02/10/2009	S: Sponsor Added Linda Lawson
02/10/2009	S: Co Sponsor Added Ralph M. Foley
02/10/2009	S: Co Author Added Brandt Hershman
02/25/2009	H: 1st Reading Assigned Judiciary

SB0350 Removal by deceit. ([Bray, L. Lawson](#))

Digest

Makes criminal confinement committed against a person who is mentally disabled a Class C felony. Provides that a person who, by means of deceit, removes a person who is less than 14 years of age or who is mentally disabled from one location to another commits removal by deceit, a Class C felony. (The

current law concerning criminal removal by fraud or enticement has been declared unconstitutional by the Indiana court of appeals.) Specifies that "identifying information" for purposes of identity deception includes identifying information that identifies a person. (Current law includes only identifying information that identifies an individual.)

Date	Action	
01/08/2009	S: Author	Added Richard D. Bray
01/08/2009	S: 1st Reading	Assigned Corrections, Criminal, and Civil Matters
02/03/2009	S: Committee Sched	9:00 AM Room 233 Corrections, Criminal, and Civil Matters
02/17/2009	S: Committee Sched	9:00 AM Room 130 Corrections, Criminal, and Civil Matters
02/17/2009	S: Committee Action	Pass(7-0) Corrections, Criminal, and Civil Matters
02/19/2009	S: Committee Report	do pass, adopted
02/23/2009	S: 2nd Reading	Order Engrossed
02/24/2009	S: 2nd Author	Added Randy Head
02/24/2009	S: 3rd Reading	Pass (48-1)
02/24/2009	S: Sponsor	Added Linda Lawson
02/24/2009	S: Co Sponsor	Added Ralph M. Foley

SB0352 *Rioting at penal facilities.* ([Bray](#), [Tincher](#))

Digest

Makes rioting a Class D felony instead of a Class A misdemeanor if the offense is committed in or on the premises of a state prison, a correctional facility, a county jail, a penitentiary, a house of correction, or any other facility for confinement of persons under sentence, awaiting trial, or awaiting sentencing, if the rioting affects the security of the penal facility.

Date	Action	
01/08/2009	S: Author	Added Richard D. Bray
01/08/2009	S: 1st Reading	Assigned Corrections, Criminal, and Civil Matters
02/10/2009	S: 2nd Author	Added Mike Delph
02/16/2009	S: Committee Sched	Upon Adjournment Room 130 Corrections, Criminal, and Civil Matters
02/16/2009	S: Committee Action	Pass Amend(9-0) Corrections, Criminal, and Civil Matters
02/17/2009	S: Committee Report	amend do pass, adopted
02/19/2009	S: 2nd Reading	Order Engrossed
02/23/2009	S: 3rd Reading	Pass (48-1)
02/23/2009	S: Sponsor	Added Vern Tincher
02/23/2009	S: Co Sponsor	Added Ralph M. Foley

SB0365 *Various department of child services matters.* ([Lawson](#), [Avery](#))

Digest

Repeals provisions concerning local coordinating committees. Removes information that could be included in a petition for adoption. Requires a petition for adoption that is in proper form to be forwarded to the department of child services (department). Specifies certain supervision that is a prerequisite to adoption. Strikes references to county offices of family and children. Provides that the department may publish or post on its website a list of supervising adoption agencies. Provides that licensed child placing agencies or local offices of the department will ensure that certain criminal history checks are conducted (current law requires the department to conduct the criminal history checks). Removes classifications of when a child is hard to place and requires the department to define "hard to place". Requires a court to refer a petitioner for adoption who requests financial assistance to the department. Changes the frequency the department is required to report information regarding caseloads of child protection caseworkers. Provides that a child's case plan for a child in need of services includes ensuring educational stability of

the child while in foster care. Provides that under certain circumstances the refusal of a parent, guardian, or custodian to submit to a drug or alcohol screen test after the death of a child may be used to determine that the parent was intoxicated or under the influence of drugs or alcohol at the time of the child's death. Gives the department additional emergency rule making authority. Provides that the department shall assess a report of a child who lives with a parent who is married to or lives with a person who has been convicted of a battery offense or neglect of a dependent. Provides that the department of child services (DCS) is responsible for the cost of treatment or maintenance of a child under DCS's supervision only if the costs are reimbursable under the state Medicaid program. Changes references from the family and social services administration to the department of child services. Corrects references from the county office of family and children to the local office of DCS. Changes references from caseworkers to family case managers. Changes references from child abuse "investigations" to child abuse "assessments." Provides that if DCS believes that a child is in imminent danger of serious bodily harm, DCS shall initiate an immediate assessment. Provides that the department shall assess a report of a child who lives with a parent who is married to or lives with a person who is required to register as a sex offender. Removes a requirement that the probation department complete a child's case plan not more than 60 days after the date of the dispositional decree. Requires the probation department to create a case plan if a decree is modified. Removes a requirement for a probation officer to include certain information in a predispositional report for DCS to determine if a child is eligible for certain government assistance. Removes the requirement that the bureau of child support demonstrate that all previous enforcement actions have been unsuccessful before sending an obligor a notice that the obligor is delinquent. Provides that a petition alleging that a child taken into custody is a child in need of services (CHINS) shall be filed before the detention hearing. Requires the initial hearing on the CHINS petition to be held at the same time as the detention hearing. Allows the department to adopt emergency rules in certain circumstances. Enhances battery to a Class D felony if the victim suffers bodily injury and is a DCS employee. Adds employees of DCS to the list of persons covered by the statute making battery by bodily waste a Class D felony. Requires a coroner to immediately notify the local office of DCS of the death of a person who is less than 18 years of age. Requires DCS, in cooperation with the state department of education, to develop and coordinate the education advocates for children in foster care plan. Authorizes a probation department and the county office of family and children, a local office, and the department of child services to exchange information for use in preparing certain reports concerning a child. Prohibits a court from appointing a person to serve as a guardian or to continue to serve as a guardian if the person committed certain sex offenses. Prohibits a court or juvenile court from permitting a person to serve as a guardian or custodian if the person was convicted as an adult of certain sex offenses that the person committed when the person was less than 18 years of age. Provides that a court may: (1) order a party who is alleged to be in contempt of court regarding violation of a child support order to show cause as to why the party should not be held in contempt; and (2) if the party fails to respond to the order to show cause, issue a bench warrant and require the party to deposit an escrow amount before the hearing to show cause. Makes conforming changes.

Date	Action	
01/08/2009	S: Author	Added <u>Connie Lawson</u>
01/08/2009	S: 1st Reading	Assigned <u>Judiciary</u>
02/11/2009	S: Committee Sched	9:00 AM Room 130 <u>Judiciary</u>
02/11/2009	S: Committee Action	Pass Amend(10-0) <u>Judiciary</u>
02/12/2009	S: Committee Report	amend do pass, adopted
02/12/2009	S: 2nd Author	Added <u>Tim Lanane</u>
02/23/2009	S: 2nd Reading	Amended Order Engrossed
02/23/2009	S: Amendment	#4 (Lawson), prevailed; Voice Vote
02/23/2009	S: Amendment	#5 (Lanane), prevailed; Voice Vote
02/23/2009	S: Amendment	#6 (Steele), prevailed; Voice Vote
02/24/2009	S: 3rd Reading	Pass (49-0)

02/24/2009 **S: Sponsor** Added [Dennis T. Avery](#)
 02/24/2009 **S: Co Sponsor** Added [Linda Lawson](#)
 02/24/2009 **S: Co Sponsor** Added [Matt Bell](#)

SB0445 Intimidation. (Delph, L. Lawson)

Digest

Provides that a person commits intimidation if the person threatens the spouse, child, parent, or sibling of another person. (Under current law, a person commits intimidation only if the person threatens another person, or the spouse or child of a witness.) Defines "threat" to include an intention to unlawfully disclose the immigration status of a person. Enhances intimidation to a Class D felony if the victim is: (1) an employee of a prosecuting attorney; (2) a public defender; or (3) an employee of a public defender or a public defender agency. Enhances intimidation to a Class C felony if the person threatens to commit a forcible felony against a witness in a criminal prosecution if the threat is intended to alter or prevent the witness's testimony, or to retaliate against the witness for serving as a witness. Enhances intimidation to a Class C felony if the person causes bodily injury to a witness in a criminal investigation, and to a Class B felony if the person causes serious bodily injury to a witness in a criminal investigation.

Date	Action
01/14/2009	S: Author Added Mike Delph
01/14/2009	S: 1st Reading Assigned Corrections, Criminal, and Civil Matters
02/10/2009	S: Committee Sched 9:00 AM Room 130 Corrections, Criminal, and Civil Matters
02/19/2009	S: Committee Sched 1:00 PM Room 130 Corrections, Criminal, and Civil Matters
02/19/2009	S: Committee Report amend do pass, adopted
02/19/2009	S: Committee Action Pass Amend(7-0) Corrections, Criminal, and Civil Matters
02/23/2009	S: 2nd Reading Amended Order Engrossed
02/23/2009	S: Amendment #1 (Delph), prevailed; Voice Vote
02/24/2009	S: 2nd Author Added Brent Steele
02/24/2009	S: 3rd Reading Pass (46-3)
02/24/2009	S: Sponsor Added Linda Lawson
02/24/2009	S: Co Sponsor Added Ralph M. Foley